

REMARKS/ARGUMENTS

This Amendment is submitted in response to the non-final Office Action dated November 5, 2007.

I. Introduction

Claim 6 has been amended to correct a typographical error. Claim 16 has been amended to depend from claim 1. No new matter has been introduced. Claims 11-15 and 26-32 were previously canceled. No claims have been added or canceled in this amendment. Therefore, claims 1-10, 16-25 and 33-35 are pending in the application.

Claims 1-4 and 33-34 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,479,488 to Lennig et al. (hereinafter "the Lennig et al. patent").

Claims 5-10 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Lennig et al. patent in view of U.S. Patent No. 5,309,504 to Morganstein (hereinafter "the Morganstein patent").

Claims 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Morganstein patent in view of U.S. Patent No. 5,199,062 to Von Meister et al. (hereinafter "the Von Meister et al. patent").

Claims 19-20 and 22-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Morganstein patent in view of the Lennig et al. patent.

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Lennig et al. patent and the Morganstein patent, further in view of U.S. Patent No. 5,901,209 to Tannenbaum (hereinafter "the Tannenbaum patent").

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Morganstein patent in view of U.S. Patent No. 4,907,247 to Nomura et al. (hereinafter "the Nomura et al. patent").

As will be discussed below, none of the pending claims are anticipated or rendered obvious by the applied references.

II. Claims 1-4 and 33-34 are Patentable

Claim 1 has the following features (emphasis added):

operating a call processing device to provide an automated operator position identified by a first operator position identifier;

operating a telephone switch, coupled to said call processing device, to provide a call, requesting information, to the automated operator position identified by said first operator position identifier;

ii. operating the call processing device to transmit a call transfer instruction to the switch to cause the switch to transfer the call to a manned operator position for additional call processing, the manned operator position being identified to the switch by a second operator position identifier;

The Examiner maintains on p. 2 of the Office Action that the Lennig et al. patent discloses these features. First, the Examiner states that "the ACD serves as an automated operator position". This is not true. The ACD is a call distributor, not "an automated operator position". The Examiner goes on to state that the "call is switched to a **second** operator position [emphasis

added].. This is also not true. The call is initially handled by an "automated voice processing unit" (col. 5, lines 20-21). Then, the processing unit will "hand the call off to a human operator" (col. 7, line 11). In any event, the "automated voice processing unit" is not an **"operator position"**; it is a processing unit within switch 1 (Fig. 1). The operator positions in the Lennig et al. patent are in the "OPR ACCESS FACILITY", connected to switch 1 over link 26 (Fig. 1).

Further, there is no teaching or suggestion in the Lennig et al. patent of an **"automated operator position identified by a first operator position identifier"**. There is also no reference or suggestion of **"the manned operator position being identified to the switch by a second operator position identifier"**. Even if it were argued that there must be an **"inherent"** operator position identifier in the Lennig et al. patent, there is no reason to think that the "automated voice processing unit" would have such an identifier, because, again, it is not an **"operator position"**.

For at least these reasons, **claim 1 is patentable over the cited reference.**

Claims 2-4, for at least the reason that they are dependent on allowable claim 1, **are patentable over the cited reference.**

Claim 2 has the additional features of (emphasis added) :

wherein said call processing device is an operator workstation, the method further comprising the step of:

operating said call processing device to provide a manned operator position at the same

time as it provides said automated operator position, the manned operator position being identified to the switch by a different operator position identifier than said first operator position identifier.

The Lennig et al. patent does not teach or suggest its "automated voice processing unit" being "an operator workstation". Further, its "automated voice processing unit" does not provide "a manned operator position at the same time as it provides said automated operator position". As argued above, the "automated voice processing unit" is not "an operator position", it doesn't "provide a manned operator position" (it only connects to one).

Finally, there is no "**manned operator position being identified to the switch by a different operator position identifier than said first operator position identifier**" in the Lennig et al. patent.

For at least these additional reasons, claim 2 is patentable over the Lennig et al. patent.

Claim 33 has the features (emphasis added):

a call processing device including means for providing an automated operator position identified by a first operator position identifier;

a telephone switch, coupled to said call processing device, for providing a call requesting information, to the automated operator position identified by said first operator position identifier;

ii. means for transmitting a call transfer instruction to the switch to cause the switch to transfer the call to a manned operator position for additional call processing, the manned operator position being

identified to the switch by a second operator position identifier;

For the reasons stated above in relation to claim 1,
claim 33 is patentable over the cited reference.

Claim 34, for at least the reason that it is dependent on allowable claim 33, is patentable over the cited reference.

III. Claims 5-10 and 35 are Patentable

Claims 5-10, for at least the reason that they are dependent on allowable claim 1, **are patentable over the cited reference.**

Claim 5 has the feature:

including the step of transmitting data from the call processing device to the manned operator position over a data link, that is separate from the telephone switch, which couples the automated call processing device to the second operator position

The Examiner acknowledges that the Lennig et al. patent does not disclose this feature, but cites the Morganstein patent as teaching this feature, when combined with the Lennig et al. patent. There is no reason to combine the two references. The Morganstein patent deals with received calls wherein "the calling party can enter his or her identification information" (col. 3, lines 4-6). This information can then be transferred to an operator over separate data lines (see Fig. 1). Since the Lennig et al. patent doesn't deal with "data", separate from the audio received from the caller", to be transferred to an operator's computer

screen, there is no need for the Lennig et al. patent to incorporate such features from the Morganstein patent. Further, even if there were such a desire, there is no teaching or suggestion as to **how** such a feature would be incorporated into the Lennig et al. patent.

Claim 6 has the feature:

wherein the transfer of at least some of the collected call related information is performed in response to a signal from the manned operator position.

The Examiner acknowledges that the Lennig et al. patent does not teach this feature, but argues that the Morganstein patent, when combined with the Lennig et al. patent, disclose this feature.

First, as described above, there is no reason to combine the two references. Further, there is no suggestion in the Lennig et al. patent of any situation wherein the operator would desire additional data input, and therefore no reason to "signal" for "the transfer of at least some of the collected call related information". And again, there is no suggestion on **how** such a capability would be incorporated into the Lennig et al. patent teachings.

For at least these additional reasons, claims 5 and 6 are patentable over the cited references.

IV. Claims 16-18 are Patentable

Claim 16 has been amended to depend from allowable claim 1, and for at least the reasons argued above, **claim 16 is patentable over the cited references.**

Claims 17-18, for at least the reason that they are dependent on allowable claim 16, are patentable over the cited references.

V. Claims 19-20 and 22-25 are Patentable

Claim 19 contains the features (emphasis added):

performing a directional information database look-up operation to determine a route from the location of the caller to the destination; and providing direction information to the caller.

The Examiner does not cite any disclosures in either the Lennig et al. patent or the Morganstein patent of "directional information", a "route from the location of the caller to the destination", or "providing direction information to the caller".

For at least these reasons, claim 19 is patentable over the cited references.

Claims 17-18, for at least the reason that they are dependent on allowable claim 16, are patentable over the cited references.

Claims 22-25, for at least the reason that they are dependent on allowable claim 1, are patentable over the cited references.

VI. Claim 24 is Patentable

Claim 24, as argued above, is patentable over the cited references. The Examiner further argues that the

Tannenbaum patent, in combination with the Lennig et al. patent and the Morganstein patent, renders claim 24 unpatentable. It should be noted that the Tannenbaum patent does not, nor does the Examiner argue that it does, supply any of the features of claim 1, from which claim 24 depends, that are missing from the Lennig et al. patent and the Morganstein patent.

Therefore, claim 24 remains patentable over the cited references.

VII. Claim 21 is Patentable

Claim 21, as it is dependent from allowable claim 19, argued above, is for at least this reason, **patentable over the cited references**.

The Examiner cites the Nomura et al. patent, in combination with the Morganstein patent, as rendering claim 21 unpatentable. It should be noted that the Nomura et al. patent does not, nor does the Examiner argue that it does, supply any of the features of claim 19, from which claim 21 depends, that are missing from the Morganstein patent.

Therefore, claim 21 is patentable over the cited references.

IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in condition for allowance. Accordingly, it is requested that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance **the Examiner is requested to call (732-542-9070) and schedule an interview with Applicant's undersigned representative.** To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee in regard to the extension or this amendment is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

February 5, 2008

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